



PATENT

In the UNITED STATES PATENT and TRADEMARK OFFICE

APPLICANT: Baxter, et al	EXAMINER: not yet assigned
SERIAL NO.: 10/810,762	ART UNIT: 1614
FILING DATE: March 26, 2004	DOCKET NO.: 7357US01
TITLE: <b>HMB COMPOSITIONS AND USES THEREOF</b>	I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450 on the date shown below.
	<i>Wendy Detwiler</i> 9-17-04 Wendy Detwiler Date

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Honorable Sir:

**DECLARATION AND POWER OF ATTORNEY  
FOR A UNITED STATES PATENT APPLICATION**

As a below-named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and JOINT inventor of the subject matter which is claimed and for which a patent is sought on the invention titled **HMB Compositions and Uses Thereof**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Claim to benefit of foreign application(s) as follows:

I hereby claim foreign priority benefits under Title 35 U.S.C. §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

NONE

Claim to benefit of earlier U.S. application(s) as follows:

I hereby claim the benefit under Title 35 U.S.C. §120 of the following earlier filed United States patent applications, or under §365(c) of any PCT international application designating the United States of America, listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. or PCT international applications in the manner required by the first paragraph of Title 35 U.S.C. §112.1, I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 C.F.R. §1.56 which became available



between the filing date(s) of the prior applications and the national or PCT international filing date of this application.

NONE

I hereby claim the benefit under Title 35, United States Code, §119(e) of any the United States Provisional application listed below.

10/810,762 Filed: March 26, 2004

I hereby appoint the following attorneys and/or agents to prosecute this application and any continuation or divisional applications based hereon, and to transact all business in the Patent and Trademark Office connected therewith:

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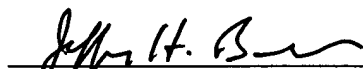
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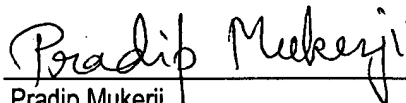
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
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Jeffrey H. Baxter

Date: September 3, 2004

  
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Pradip Mukerji

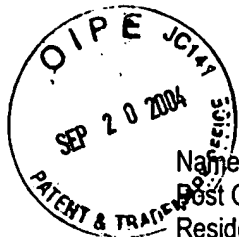
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